

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WENDY PETKA,
Petitioner,

v.

MYLAN PHARMACEUTICALS, INC.,
Respondent.

Case No. [16-mc-80196-MEJ](#)

ORDER RE: MOTIONS TO SEAL

Re: Dkt. Nos. 15, 20, 21

Petitioner Wendy Petka (“Petitioner”) and Respondent Mylan Pharmaceuticals, Inc. (“Mylan”) have each filed motions to file under seal. First Mylan Mot., Dkt. No. 15; Pet. Mot., Dkt. No. 20; Second Mylan Mot. Dkt. No. 21. The Court addresses each in turn.

A. Mylan’s Motions to File Under Seal

Mylan seeks to seal portions of documents filed in support of its Opposition to Petitioner’s Motion to Quash. Mylan has filed two separation motions regarding the same documents. *See* First Mylan Mot.; Second Mylan Mot. The Second Motion appears to amend the first, but the Motions are not materially different. *Compare* Dkt. No. 15-5, *with* Dkt. No. 21-5. Petitioner has not opposed either motion. Accordingly, the Court **STRIKES** Mylan’s First Motion to Seal, and, finding good cause exists, **GRANTS** Mylan’s Second Motion to Seal. The following portions of Mylan’s Opposition shall be redacted:

1. Mylan’s Opposition to Motion to Quash the Subpoena of Non-Party Wendy Petka, Esq.: page 3, lines 17-24; page 4, lines 1-3, 11-14, fn.5, fn. 6; page 6, fn. 8; page 7, lines 3-6; page 11, lines 18-24; and page 12, lines 1-5.
2. Mylan’s and Breckenridge Pharmaceutical, Inc.’s Brief In Support of their Motion for Leave to File Their Amended Answers to the Amended Complaint,

Defenses, and Counterclaims, in C.A. No. 3:14-cv-07811-MLCTJB, dated September 23, 2016: page 2, lines 9-14; page 3, line 8; page 5, lines 4-13; and page 6, lines 12-16.

3. Exs. 4-6, 9-16, attached to Mylan's Opposition to Motion to Quash the Subpoena of Non-Party Wendy Petka, Esq., in their entirety.

4. Declaration of Anna G. Phillips in Support of Mylan's Opposition to Motion to Quash the Subpoena of Non-Party Wendy Petka, Esq.: page 2, lines 19, 23, and 25; page 4, lines 2 and 5.

B. Petitioner's Motion to File Under Seal

Petitioner seeks to file under seal portions of Exhibit 1 to the Declaration of Elizabeth Brann in Support of Petitioner's Reply. Dkt. No. Mylan does not object to Petitioner's Motion. Having considered the Motion, the Court finds that good cause exists to file the requested materials under seal and **GRANTS** the Motion. Accordingly, the following portions of Exhibit 1 to the Declaration of Elizabeth A. Brann in Support of Wendy A. Petka's Reply in Support of Her Motion to Quash shall be filed under seal:

1. Page i, Line 30
2. Page 1, Lines 17–18
3. Page 5, Line 18 & n.8
4. Page 15, Lines 14–18
5. Page 17, Line 9
6. Page 18, Lines 3, 4, 11, 17, 21, 24
7. Page 19, Lines 2, 4, 5, 8, 9, 11, 12, 14
8. Page 22 (Appendix A), Row 2
9. Page 23 (Appendix A), Row 1

CONCLUSION

For the foregoing reasons, the Court **GRANTS** Mylan's Second Motion to Seal and Petitioner's Motion to Seal. The Court also **STRIKES** Mylan's First Motion to Seal.

IT IS SO ORDERED.

Dated: November 28, 2016



MARIA-ELENA JAMES
United States Magistrate Judge

United States District Court
Northern District of California